

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-16125
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 27, 2010 JOHN LEY CLERK

D. C. Docket No. 93-00228-CR-T-24-A

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

OMAR ANTONIO ANCHICO-MOSQUERA,
a.k.a. Willie Willie,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(May 27, 2010)

Before EDMONDSON, PRYOR and KRAVITCH, Circuit Judges.

PER CURIAM:

Omar Antonio Anchico-Mosquera, proceeding pro se, appeals the district court's denial of his motion to modify his sentence, pursuant to 18 U.S.C. § 3582(c)(2), based on Amendment 709, which clarified the rules for computing a defendant's criminal history score. Because (1) Amendment 709 does not apply retroactively, and (2) United States v. Booker, 543 U.S. 220, 125 S. Ct. 738, 160 L. Ed.2d 621 (2005) does not apply to § 3582(c)(2) proceedings, the district court did not err by denying § 3582 relief. Moreover, the doctrine of the law of the case bars this Court from considering, for a second time, Anchico-Mosquera's challenges to (1) the denial of a sentence reduction under Amendment 706, and (2) alleged deficiencies in the government's 21 U.S.C. § 851 enhancement notice, which he raised in a prior § 3582 proceeding. Accordingly, we affirm the district court's decision.

AFFIRMED.